

REMARKS

This response is submitted in reply to the Office Action dated June 9, 2009, in which the Examiner:

rejected claims 1-4, 6-8 and 14-24 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,494,004 to Hunter, Jr. in view of U.S. Patent No. 5,090,087 to Hipple et al.; and

rejected claim 9 under 35 U.S.C. § 103(a) as unpatentable over Hunter in view of Hipple and further in view of U.S. Patent No. 4,218,016 to Freund.

Applicants respectfully traverse the rejections below. Claims 1-4, 6-10 and 14-24 are currently pending. Claim 10 was previously withdrawn, leaving claims 1-4, 6-9 and 14-24 under consideration. Claims 1 and 14 are independent claims.

Regarding the rejection of claims 1-4, 6-8 and 14-24 under 35 U.S.C. § 103(a) as unpatentable over Hunter in view of Hipple, a rejection under 35 U.S.C. § 103(a) is improper unless the Examiner establishes a *prima facie* case of obviousness. A *prima facie* case of obviousness is not established where the reference teachings, alone or in combination, do not teach or suggest the claimed invention as a whole. If the proposed modification to the references would render the prior art being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.

Applicants' independent claims 1 and 14 recite, in part, a resilient member resiliently restraining the combustion conduit against recoil forces.

Neither Hunter nor Hipple, nor the combination thereof, teaches or suggests each and every recitation of independent claims 1 and 14. For instance, as the Examiner states on page 5 of the Office Action, Hunter does not teach or suggest a resilient member resiliently restraining the combustion conduit against recoil forces. (See Office Action, page 5). To remedy Hunter's deficiency, the Examiner cites Hipple, asserting that Hipple teaches the recited resilient restraint to be combined with Hunter's cleaning apparatus. (See Office Action, page 5).

Applicants respectfully submit that Hipple fails to overcome the deficiencies of Hunter at least in that Hipple also does not teach or suggest a resilient member resiliently restraining the combustion conduit against recoil forces. The compression spring 90 taught by Hipple, and erroneously identified by the Examiner as teaching the resilient member recited in the present invention, is a compression spring that exerts a packing actuation force on a packing 72 for sealing between a sootblower feed tube and a lance tube. (See Hipple, col. 5, lines 21-23; see also, Hipple, Abstract). A spring for maintaining a preload on a sealing element does not teach anything with regard to a resilient member resiliently restraining the combustion conduit against recoil forces. In fact, Hipple does not teach anything with regard to restraining its conduit against recoil forces. Therefore, even when Hipple is combined with Hunter as proposed by the Examiner, the combination still fails to teach or suggest each and every recitation of independent claims 1 and 14 of the present invention.

Accordingly, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness with regard to claims 1 and 14.

Claims 2-4, 6-8 and 15-24 depend, directly or indirectly, from independent claims 1 and 14 and include additional recitations thereto. Accordingly, Applicants respectfully submit that the rejection of dependent claims 2-4, 6-8 and 15-24 under 35 U.S.C. § 103(a) is improper for at least the reasons stated above in connection with independent claims 1 and 14 and should be withdrawn.

Additionally, with regard to claim 2, neither Hunter nor Hipple, nor the combination thereof, teaches or suggest that the resilient member couples the combustion conduit to the wall of the vessel. The Examiner asserts that Hipple teaches this recitation because "Hipple states that the spring is inside a box (12), and the box is mounted to an opening in the boiler wall." (See Office Action, page 6). Applicants respectfully disagree with the Examiner's assertion. Merely teaching that a spring is housed in a box connected to the wall does not teach that the spring itself couples the combustion conduit to the wall. Furthermore, the Examiner asserts that Hipple's Figure 3 shows the spring coupled to the wall opening. (See Office Action, page 6). However,

Hipple's Figure 3 does not show a vessel wall. In fact, Hipple states that its boiler vessel is not shown. (See Hipple, col. 3, lines 45-47).

With regard to claim 6, neither Hunter nor Hipple, nor the combination thereof, teaches or suggests that the plurality of supports accommodate longitudinal expansion and/or contraction of the combustion conduit. In fact, Hunter appears to teach that its support is only moveable by actuation of motor 153M during positioning, which would make Hunter's support incapable of accommodating longitudinal expansion and/or contraction of the combustion conduit.

With regard to claims 7, 8 and 22, neither Hunter nor Hipple, nor the combination thereof, teaches or suggests a plurality of trolleys each having wheels engaging a track on a support surface. Instead, Hunter teaches a support having pinion gears 155 for engaging rack gears 157. (Hunter, col. 3, lines 55-59). Thus, Hunter does not teach or suggest a trolley having wheels. Furthermore, even if Hunter's support is incorrectly considered a trolley having wheels, at best, Hunter's support teaches a single trolley. The Examiner asserts that Hunter teaches the plurality of trolleys "by simply duplicating the detonative cleaning assembly, shown in Fig.1 of Hunter ... by adding another trolley (51) under the second conduit segment (21)." (Office Action, page 4). However, modifying Hunter as indicated by the Examiner to include an additional trolley under segment 21 would render Hunter unsatisfactory for its intended purpose, since the additional trolley would prevent segment 21 from being able to be inserted through opening 81 to clean the interior surface of the boiler. (See Hunter, Fig. 3). Accordingly, Applicants respectfully submit that even if Hunter's support is incorrectly considered a trolley having wheels, Hunter still fails to teach or suggest a plurality of trolleys.

Additionally, with regard to claim 8, neither Hunter nor Hipple, nor the combination thereof, teaches or suggests that the combustion conduit comprises a plurality of separable segments assembled end-to-end.

Thus, neither Hunter nor Hipple, nor any combination thereof, teaches or suggests each and every recitation of Applicants' dependent claims 2-4, 6-8 and 15-24.

Accordingly, Applicants respectfully submit that the rejection of claims 1-4, 6-8 and 14-24 under 35 U.S.C. § 103(a) as unpatentable over Hunter in view of Hipple is improper and should be withdrawn.

Claim 9 was rejected under 35 U.S.C. §103(a) as unpatentable over Hunter in view of Hipple and further in view of Freund. Claim 9 depends directly from claim 1 and includes additional recitations thereto.

As stated above, the Examiner has failed to establish a *prima facie* case of obviousness with regard to claim 1. Freund does not overcome the deficiencies of Hunter and Hipple in that Freund also does not teach or suggest a resilient member resiliently restraining a combustion conduit against recoil forces. In fact, Freund is directed to a totally different form of soot blower construction than Hunter and adds nothing to the discussion of a resilient member resiliently restraining a combustion conduit against recoil forces.

Accordingly, Applicants respectfully submit that the rejection of claim 9 under 35 U.S.C. § 103(a) as unpatentable over Hunter in view of Hipple and further in view of Freund is improper and should be withdrawn.

As Applicants have traversed each and every claim rejection raised by the Examiner, it is hereby respectfully requested that the rejection of claims 1-4, 6-9 and 14-24 be withdrawn, and claims 1-4, 6-9 and 14-24 be passed to issue.

Applicants note that the newly cited Hipple reference was introduced for the first time in the sixth Office Action for this application. Applicants strongly object to this form of piecemeal prosecution.

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Applicants hereby petition for a three-month extension of time to respond to the present Office Action. Applicants' Attorneys hereby authorize the Commissioner to charge the three-month extension fee of \$1110.00 to the Deposit Account 13-0235. Applicants believe that no additional fees are due in connection with this response. If any additional fees are deemed necessary, please charge them to Deposit Account 13-0235.

Respectfully submitted,

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